App. F. IX-4

1925-26

File No. 194-28

Previous References

Serial Nos. /

Later References

General and Revenue Secretariat.

Serial Nos. 20

Part B for Jany 29.

SUBJECT

Land South in respect of Mam S Nos. 174&177 situate at the Sri Ganida Devaru temple at Bendigamanale in the Nagamangala Taluk

To The Revenue Commr
The Govt Advocate
The Comptroller
No 1353-5 Dt 18-1-29.

Sanctions the land required in Col 9, the Charge being met from the funds at present at the disposal

G. R. S. 11] 1925

GENERAL AND REVENUE SECRETARIAT.

(Muzrai

NOTES.

File No. 199/1925

FILE HEADING.

Civil Suit in respect of inam S. no. 174 and 179 endowed to Ganesha Devasthanam at Bindiganavale in the Nagamangala Taluk.

From

The Muzrai Comr

No. 776 Dated Received 30/3/26.

Diary No. 1139	Enclos. 2	Spare Copies. —	Serial No.

BRIEF ABSTRACT OF LETTER.

Reports that a suit has been filed by Kesavaiengar in the Dist Judge's Court at Mysore and the P. Prosecutor has been requested to defend the case posted to the

NOTES AND ORDERS.

31st March 1926.

The connected files are submitted.

In Comr no. 1602 dy 7.5.1925 the H.C. has been asked to engage the services of the P. Prosecutor to defend the Suit

NOTES—First Sheet.

Serial No

✓ A copy of the plaint has been received.

2 The submission of the report may be awaited.

Submit. for orders.

AL 30.3.26. BH 30.3.26

U Rev. Secy. L 30/3

3 Draft of the W.S. may be called for, for being sanctioned by the L.L. Hon'ble

L 1.4.26 M 1/4

4 A Offr. of the M.C. is submitted.

5 A typed copy of the W.S. as approved by the Govt Advocate was sent to M.C. on 14.5.23 (Q) 4

Submit

AL 1.4.26 BH 1/4/26 & the Secy.

~~necessary, if the~~ ~~prepare draft to~~ ~~issue~~. The written statement approved by the Govt advocate is at 7c R. For orders on the draft put up.

10 Rev. Secy. L 1/4

11 I think the subject-matter of this suit was different. It was dismissed & came in appeal to the Chief Court. L 2/4

12 Draft appd. BH 5/4

NOTE—Contn. Sheet

Encl 50 3

WD 01264—GPB—40,000 —17-12-25

[App. F. III.—2

General and Revenue Secretariat

MW2 File No 199 of 1925

Serial No	
3.	To, The Mus. Comm. No 1280 dy 7.4.25 Requests him to send up the draft of the Written Statt the appl of Gorek.
4.	From, the Mus. Comm. Letter no. C.1285 dy 11.5.26 Requests Sanction to engage the services of the Public Prosecutor Mysore, for defending the Suit to be filed by Mr. N. Kesaviengar of Bnidiganalale, Nagamangala Taluk, against the Sale of the house by the Rev. Deptt. for the recovery of the Kutta of Survey no. 230 of Bnidiganalale Village belonging to the Sri Vainateya or Garuda Devarer temple due by the lessee Sanadachari.
13	Submitted for orders. M 14.5.26. Letter may be Counselled.
14	RG 14/5/26 Rev. Secy 14/5
15	D. S. Letter with Compliments 16/5
16	The Public Prosecutor, Mysore, may be engaged to defend the suit when it is filed. 16/5
17	Rev. Secy with Compts 17.5
	18/5

Note.—Contn. Sheet

WD 01264—GPB—40,000—17-12-

General and Revenue Secretariat

App. F. III—

Mug File No. 199 of 192 5

Serial No.

18

Dft. submtd. for approval.

AV 18.5.26 BG 18/5/26 Rev. Secy

176
20.5

19
2nd member.

20 EPR 19.5.26

21
Mysore 24/5/26

5. To, mysore Commr.
No 1509 dt 27.5.26.
States that the services of the Public Prosecutor, Mysore may be engaged to defend the suit in question.

WD 01264—GPB—40,000—17-12

General & Revenue Secretariat

App. F. III—2]

File No. 199 of 192 5.

Serial No.

5. From. the Insp. Genl
Letter no. C.776 dy 12.5.26.
Submits for approval, as
for in Sl. 3, the draft written state-
ment proposed to be filed in the
case re S. nos. 146 and 147 endowed
to Bindigavale Samsa Devan
temple in the Nagamangala Taluk.
23 Submitd with reference to para 5
18.5.26 of the office note.
28. The L. & Secretary may
be consulted as to
The W.S. submitted is
suitable and the P.P. may
be asked to file it in the
Dist. Judge's Court.

28/5/26 The L.L.Sec'y. may be consulted about this W.S.
Rev. Sec'y)

28/5

L.L. Sec'y)

2 5 — yes
28.5.26

28/5

W.S. seems all right.

Rev. Sec'y
with Compts

2a maybe approved

31.5

2nd member)

Appd

3.6.26

NOTE—Contn Sheet

5.26
4.6

WD 01264—GPB—40000—17-12-2

App. F. III—2]

General and Revenue Secretariat | File No. 199 of 192 S..

Serial No.	
	Dft. Submitr. Dist. Collr. 15.6.26.
	To, The Inspr. Comm. No. 1634 dt. 16.6.26 Returns the written statt. with the plaint & requests him to report result of the suit.
26/8/26 9.	From, The Inspr. Comm. Letter no. C.776 dt. 25.8.19 Submits a copy of Mysore Dy. Comr's. letter forwarding an extt. of letter dt. 4.8.1926 from The Pub. Prosecutr., Mysore Distt., Solicits instructions as to how he should proceed in the above case, and requests Legal Secretary's views in the matter.
	33 The interpretation of Sec. 19 as raised by The Public Prosecutr requests Legal Secretary's View in the matter. A similar question was raised re arrears due, in Inam lands belonging to Parakanadu, and the file went to Legal Secretary to-day with the minutes of the II Member.
	34 This file may also be sent to The Legal Secretary. Submitted. 26/8/26.
	The case is posted for 23rd in Bt. and the Dist. might have obtained adjournment. If so file may

(2)

NOTE—Contn Sheet

282 WD 01264—GPB—40,000—17-12-
App. F. III—2]

ral and Revenue
Secretariat

File No. 19 of 192 5

Serial No

To the L. L. Secy

37 Rev. Secy 26/8

36 I am afraid the position taken up by the P. Pr that the plaintiff may be treated as a trespasser after the notice of within on him ~~for~~ ~~is~~ ~~not~~ to may not be tenable.

39 It is admitted by the plaintiff that he & his ancestors were permanent occupants of the holding. Hence he is admittedly a tenant

40 What is recovered by the Inspr of offices may strictly be considered an arrears of rent or revenue from a tenant holding over within the meaning of Sec 19 of the Inspn Regn.

41 The P. Pr may perhaps be asked to press the case before the Supreme.

42 This course is all the more desirable for the suit for recovery of any amount treating him as a trespasser is evidently barred by time.

Rev Secy
with Compts.

43 A note of the views of the L. L. Secy will be sent to you

44 Yes
Rev Secy 3/9/26

F. 9
Sep 7.9

Rev
11926

OFFICE OF THE
SECOND MEMBER OF COUNCIL
13 SEP. 1926
No 1982

NOTE—Contn Sheet

G. R. S. III. 2]

Muzrai Secretariat | Muz. File No. 199 of 1926.

Serial No.

45
Dft. Submitted.
15/9/26

10 To, The Muz Commr
No 510 dt 16.9.26
Forwards l i-l Regd note in the matter & requests that the result of the Suit may be [illegible]

11 From
The Muz Commr No 12555 dt 22/24 & 9-26.
Stating with reference to Sl 5 in the file that Sri N Keshava [illegible] has filed a Suit in the Ist Munsifs Court in connection with the Sale [illegible] for the recovery of arrears of Kuthagai due on S No 230 belonging to Sri Garuda Devaru temple and forwards a copy of the plaint for necessary action.

4 U/ The Subn of the further report may be awaited.
U/ The plaint file be returned to the Muz. C. if desired.
Submitted for perusal
7/10/1926

5 Second Member
7/10/26

FINANCIAL SECRETARY
No. 390

OFFICE OF THE SECRETARY OF COUNCIL
11 OCT. 1926
No 2674

NOTE—Contn sheet

WD 0561—GPb—9750—1 8 22

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

File No 199 of 1925.

Serial No.	
12	From, the Mukhtar Coml. Letter no C. 776 dt 25.1.27. Submits a copy of my Sadar Dy. Comr's. letter reporting that the Suit was decreed with costs. Submits for kind perusal a copy of the Judgt. in the case (26/1) mentioned & wants to know whether an appeal (26.1.27) can be preferred.
	Finance yes. 28/1
	2nd member 29.1.27
	Yes, mer 31/1 1.2.27
	Dft submitted. 2/2/27 2/2/27
13	To mer Comm no 1451 dt 5.2.27 Calls for copy of the Judgment in the case with an early report as to whether an appeal may be preferred

FINANCIAL SECRETARY
29 JAN. 1927
No. 3055

OF THE
PRIVY COUNCIL.
JAN 1927
5213.

3145
1/2

NOTE Contn. Sheet

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

Serial No 14

From, The Mizoai Comle
Letter no C. 776 dy 26.2.27.

J.G.

Submits a bill for Rs 28-9-2 being the legal remuneration due to the Public Prosecutor together with

J.K

copies of the decree and judgment passed therein, and requests that the Law Secretary may be kindly consulted and to whether an appeal can be preferred, and his opinion intimated for communication to the Asst. Com

5th Submits with ref to the members minute in para 55 Supra.

5th The L & L Secy may be consulted

6th The Judgment of the Dist Judge is dated 23-12-1926.

Submits
A 1.3.27 (61) A Offg. G.O. sanctioning the P P's bill
1.3.27 is submitted as Sanctioned
62
for perusal.

7th Advocate passing the P Mrs bill may be appr
the file may then be sent to the Law Secy
for opinion if an appeal may be prefer

Jt Secy
2nd member)

Mrs 1/3
4
2/3
Mrs /
3

Mrs 5/3/27

Issued
Secretary
Asst to Law Secy
Mrs.

1

FINANCIAL SECRETARY
1 MAR. 1927
No 4606

OFFICE OF THE
SECON COUNCIL
4 MAR. 1927
No 5919

4105
5/3

NOTE Contn Sheet

1252

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

App. F. III—2]

File No 199 of 1925.

Serial No.

18 To, The Muz. Comte and Comptr.
G.O. No. 1698-9 dt 8.3.27.
Sanctions the bill for Rs 28 and odd, being the legal remuneration to the Public Prosecutor.

19 The file may be sent to the Law Secretary as directed in the previous page.

Sd/- Asstt. Secy.
8/3/27

Law Secy.

P P^r has taken up a wrong position in W.S. Contrary to the instructions given by me.
Govt Advocate has to be entrusted to file the appeal.
~~He may be asked to file the appeal after further~~ I should like to discuss the case with him.
Please write to him to see me at once soon

Sd/-
14.3

Dy Asst Secy.

Sd/-
15/3/27

Appd
Sd/-
15/3.

No. 199 27/26-27
dt 21.3.27.

As requested by the Secy to Govt. Law Department at our personal conversation last evening, I am to return herewith file of papers and the judgment

NOTE- Contn.Sheet

WD 01226—GPB—37,500—1-9-26

Serial No.

of the District Judge, Mepore, in O.S. No 12 of 1925-26.

The lands in respect of which the rent or mesne profits (it does not matter by what name we call it) was claimed by the Revenue Officer and for the recovery of which proceedings were instituted by the Revenue Department, are admittedly Devadayam lands, and the plaintiff in the case is a tenant and the same an "inferior holder". The plaintiff claimed to be a permanent occupant & this claim was disputed by Government & the latter contention has been upheld by the Court in O.S. No 20 of 1922-23. Whatever the nature and duration of the tenure - it is clear that the plaintiff was a tenant in respect of Devadayam lands, and he was bound to pay "rent" as defined in Section 3 (13) for the use and occupation of the land. The circumstance that he continued to hold over the land in spite of notice did not make him any the less a tenant bound to pay "rent" for use and occupation & it is for the recovery of this claim against the plaintiff that proceedings were taken as against him

NOTE. Contn. Sheet

him by the Deputy Commissioner. It is in the course of these proceedings that the plaintiff paid the rent under protest and it is for the recovery of that amount that the suit under reference was filed.

The amount that was due was termed "rent" though it appears to have been erroneously referred to as "mesne profits", or "damages".

The scheme of the Land Revenue Code is to afford facilities to recover the ordinary dues - to the superior holders - for the recovery of arrears of rent or revenue due from inferior holders, by providing a summary procedure and by giving them the benefit of the provisions of Chapter XI of the Land Revenue Code - as if the rent is an arrear of revenue.

The position has been made stronger in the case of Devadaya lands in respect of which S. 19 of the Inamdars Regulation has been expressly enacted, making such rent recoverable as arrears of land revenue - without even the limitations prescribed by S. 97 of the Land Revenue Code. The object or intention of the legislature is evidently to obviate the necessity for resorting to civil Courts for the recovery either of the land or the rent in

in such cases and to substitute therefor the easier remedy and procedure prescribed by the Land Revenue Code.

Under the circumstances the mere circumstance that the tenant continued to remain in "wrongful" possession cannot convert the "rent" due for the use and occupation of the Devadayadanam land into "mesne profits" and placed beyond the scope and operation of S. 19 of the Inamdars 3 Regulation.

The facts being what they are, a mere change of nomenclature cannot oust the jurisdiction of the Revenue Courts in taking action for the recovery of what was neither more nor less than "rent" due by a person who was admittedly a tenant of the Devadaya land

It may be that what was demanded and was also paid under protest was more than what was legally due to the plaintiff even if that be so it will be paid as rent. That is only a question of the quantum of rent & it cannot affect the validity of the proceedings held by the Revenue Authorities.

On the whole I am inclined to think that the District Judge was in error in opining that what was recovered was not "rent" but "mesne profits" and that S. 19 of the Municipal Regulation does not apply to the facts of this case.

An appeal may therefore be tried.

Chamberlain
Govt Advocate
20/3/1917

It is reported that in spite of my clear instruction the Public Prosecutor did not press the claim on the grounds set out in my opinion expressed at paras 38 & 42 Supra.

Even now an appeal may be tried. As the time for appealing is fast approaching the papers may be sent to Govt soon to prefer an appeal.

Hon Sec'y
with Compts.

8/
21.3

In appeal of the action proposed above by the Secretary.

3rd member

22/3

22/3

22/3.

To Govt Advocate.
With Compliments for immediate action
22/3. [illegible]/3

Serial No.

The file is transferred to the Muzarai Secretariat as desired by the Under Secretary to Govt in his D.O. letter No 782 Jmuz 199-25 dated the 15th November 1927.

Mr Mudaliar
Govt Asst
21/11/27

16 From, the Muz. Comr.
Letter no. C. 776 dt 9. 11. 27.
Submits copy of G. A's letter dt 27. 10. 1927 stating that there are no grounds to move the ct. court for stay of execution of the Decree passed by the Dist. Judge Mysore, in favor of Kesaviengar allowing his claim to arrears of Inam recovered from him, and solicits Sanction to pay the Decree amount viz Rs 700 from the funds of the inam

D.O. Sanctioning, is

Ag
11. 11. 27

Sd
25. 11. 27

for Addl Secy
27/11/27

Secd Member

Issue
Sd
29. 11. 27

By
File to be returned to Govt Asst after issue
27. 11

GIL
NOV. 1927
2958

NOTE—Contn. Sheet

659

WD 01229—GPB—37,500—1-9-26
App. F. III—2J

General and Revenue Secretariat — Mur. File No. 199 of 1925-26.

Serial No.	
17	To. Mur Govt, Comptr & Govt Advte No 910-12 Dt. 30.11.27. Sanctioning M.C's recommendations in the matter

M No. 3-27
Dt. 5.12.27.

GOVT. ADVOCATE'S OFFICE - 5 DEC 1927 BANGALORE

Forwarded with compliments to the Govt. Advocate for his action
K O
Dt/ 7/12/27

As the above case has been finally disposed of this file is returned with compliments to the Financial Secretary.
Govt Advocate
22/12/28

By 529
Dt 22.12.28

22 DEC. 1928

18	From the Govt. Advocate., Letter No. 467 Dt 29-10-28. States that the Regular Appeal No. 247 of 26-27 on the file of the Chief Court of Mysore (the Dy: Comr, Mysore Dt, ~~Dt~~ Bindiganavale N. Keshavaiyangar) came on for final disposal on the 13.9.28 & judgment was pronounced dismissing the appeal with costs -

NOTE—Contn. Sheet

General and Revenue Secretariat

File No. 892

App. F. III—2]

of 192 . 18

Serial No.

19

From the Govt. Advocate.,

Letter No. 495 & 13.12.28

Submits for sanction a bill for Rs 5 being his remuneration for c the Appeal No 247 of 26-27 referred to in the previous communication -

The decision in the case is in favour of ~~the~~ B. N Kesavienger as will be seen from the copy of the judgement forwarded by the G. A.

Draft sanctioning the bill for. Rs 50/- is subd. for approval. The bill has been countersigned by Judge Dy. D. K. Rama Rao -

24.12.28

May be sent for Rs for an opinion as to whether the amount may be allowed.

Yes) 28/12

4.1.29.

Pr Rs)

Secy)

5/1

Pr.

Pl.

Pl. see Pr)

The draft may be approved

(for Member)

9/1/29

JAN. 1928 No. 4075

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

Serial No.

20 Do- The Imz Comm
Compl't & Copy Advocate with his
No.1353-S- 27/18-1-29.
Sanctions the Cadre for Cash Sec.
post B in cl 19, the charge being
met from the funds of the Cadre.

B B.
Uh1
27/3

WD 021—GPB—30,000—21 8 28

No. C 776 J 46 Office of the Muzrai Commissioner in Mysore.
ac

Dated Bangalore, 15th January 1926. 812
16

DIARY No. 1926

From

B. Ramaswamaiya, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

Sir,

Adverting to your letter No.1602/Muz.266-22-25 dated 7th May 1925 according sanction for (A) engaging the services of the -- Public Prosecutor for defending the suit threatened to be filed by N. Kesaviengar in the matter of recovery of arrears of gutta due on the inam lands endowed to the Sri Garudadevaru temple at Bindiganavale Nagamangala Taluk, I have the honor to submit herewith for the information of Government a copy of notice issued to the Deputy Commissioner by Mr. G. Ramanujaiengar (B) Advocate on -- behalf of N. Kesavaiengar and received with letter No.C.238 of 22-23 dated 2nd January 1926 from the Deputy Commissioner Mysore District. The notice says that a suit would be filed in the -- District Judge's Court, Mysore, after the expiry of two months - from the date of its receipt.

I have the honor to be,

Sir,

Your most obedient servant,

B Ramaswamaiya

Muzrai Commissioner.

There is nothing to be done now. The fate of the further report if any, may be awaited.

KSR.

19.1.26 19.1.26 Rev. Sec'y. I

1st Member 19.1

460/19/1

Notice No. 373 dated 22nd November 1925 from Mr.G.Ramanugiengar ,B.A. B. ., Advocate, Mysore, on behalf of his client N.Kesaviengar, to the Muzrai officer and the Deputy Commissioner, Mysore District.

Under Section 80 of the Mysore Civil Procedure Regulation.

In continuation of my notice No.749 dated 27th March 1925 to you .. on behalf of my client N.Kesavaiengar, land holder, son of N.Krishnaiengar of Bindiganavale village, Nagamangala Taluk, please accept Notice of a suit which my above said client is obliged to file against you in the District Court of Mysore after the expiry of two months from the date of receipt of this notice being left at your office under the circumstances herein detailed claiming the reliefs which he has set forth hereunder.

1. My client and his ancestors were enjoying S.Nos. 174 & 177 in Bindigana vole village as permanent occupants subject to the annual payment of a fixed rent in the shape of half the income derived from the cocoanut produce for the land holder's share from the trees standing in those s.Nos. to the temple of Sri Vairteya Swamy at Bindiganavole, Nagamangala Taluk.

2. My client was in such occupation up to 30-5-22 when he was ejected fr the land forcibly ~~forcibally~~ by the Revenue authorities in denial of all his right as permanent occupant, although he was quite ready and willing to pay the yearly rent as above described, and had even, remitted rents as the fell due, by money order, which remittances have been refused by the Revu authorities.

3. The Revenue authorities without the concurrence of my client put th lease of these S.Nos. for five years to auction and one B.Krishnaiengar Bindiganavale bid the same and became the tenant of such lands.

4. Since my client was an occupant of the lands up to 30-5-1922, the Revenue authorities at your instance (vide order issued to the Sheikdar dated 17-2-23 from the Taluk office at Nagamangala order No. N.Dis R.C. 614/22-23 dated 30-1-23 from the Freench Rocks Sub-Division to the Amildar at Nagamangala) brought the property belonging to my client to sale for recovery of Rs.570/- (Five Hundread and Seventy) said to be the value of the rent for the wrongful enjoyment by my client of the said lands for the Yr 1920-21 and 21-22 together with Rupee one and annas eight, the costs incurre for taking ~~For~~ out proceedings against my client-- in all Rupees Five Hundread and

and Seventy one and annas eight (571-8-0).

5. My client to save himself from the consequences of the threatened sa of his properties which was fixed for 27-6-1925 deposited under protest after taking permission from you, Rs. 571-8-0 on 25-6-25, at the Nagamangala Taluk Treasury reserving his rights to recover the same and to claim other reliefs.

6. The recovery from my client under such circumstances of Rs. 571-8-0 is in direct controvention of Law, and my client denies your right to recover the same either in whole or in part. Even admitting all the allegations made against my client, he was holding those lands not as lessee but as a mere trespasser and Section 19 of the Muzrai Regulation has no application in such a circumstance.

7. My client finds thus impelled to file a suit against you in the District Court of Mysore for the repayment of Rs. 571-8-0 and interest on the same at 12% per annum from 25-6-25 up to the date of repayment and for the costs of the suit and other reliefs that my client may properly claim against you.

" C O P Y "

Kumar 16/1/26

for Muzrai Commissioner.

No. 776/24-25
encl two,

Office of the Muzrai Commissioner In Mysore

Dated Bangalore the 25th March 1926.

812-1/
29

GEN. & REV. SECRETARIAT
30 MAR 1926
MUZRAI
D. 131

GENL. & REV. SECTION
Br.
29 MAR 1926
G. D. SECTION

From

R. Ramaswamaiya, Esq., B.A., B. L.,

Muzrai Commissioner In Mysore, BANGALORE.

Muz 199-25-2

To

Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, Revenue Department.

Sir,

In continuation of this office letter No. C. 776 of 24-25 dated 16-1-26 forwarding for information of Government a copy of (D) notice issue to the Deputy Commissioner by Mr.G. Ramanujaiengar Advocate on behalf of N. Kesavaiengar of Pandi anarale stating that a suit would be filed in the District Judge's Court, Mysore in respect of certain lands belonging to Gandadevara at the place, I have the honor to submit herewith a copy of Deputy Commissioner's letter No. C.828 ~~C.283~~ of 23-3-26 (J) stating that a suit has been filed by Kesavaiengar in the District Judge's Court Mysore and the Public Prosecutor, Mysore has been requested to defend the case which has been posted to the 30th March 1926.

A copy of the plaint received with the Deputy Commissioner's letter is also enclosed.

I have the honor to be

Sir,

your most obedient servant,

R. Ramaswamaiya

Muzrai Commissioner.

BR.

pu

No. J.258/23-25 dated the 17th March 1926 from the Deputy Commissioner Mysore District to the Muzrai Commissioner In Mysore, Bangalore.

In continuation of this office letter No. C. 238 of 1922-25 dated 2nd January 1926, I have the honor to state that a suit has been filed by Mr. N. Kesaviengar of Pindiganavale, Nagamangala Taluk, in the Court of the District Judge, Mysore, (Case No13 of 1925-26) and the case is posted to 30th March 1926. The Public Prosecutor, Mysore Division, has been requested to defend the case as sanction has already been communicated in your letter No. C. 776 of 1924-25 dated 8th September 1925.

"COPY"

PR.

for For Muzrai Commissioner.

In the court of the District Judge, M y s o r e.

O.S.No.12 of 1925-26.

Plaintiff:-- N. Kesava Iyengar, son of N. Krishna Iyengar Bindiganavale village, Nagamangala Taluk.

Defendant:-- The Muzrai Officer and the Deputy Commissioner of the Mysore District, Mysore.

Under section 229 of the Mysore LandRevenue Code and section 9 of the Civil Procedure Code.

1. The Plaintiff begs to state as follows:--

The plaintiff and his ancestors were enjoying survey Nos.174 and 177 in Bindiganavale village as permanent occupants, subject to the annual payment of a fixed rent in the shape of half the income derived from cocoanut produce for the land holder's share from the trees standing in those survey Nos. to the temple of Sri Vyanatheswamy in ---- Bindiganavale.

2. The Plaintiff was in such occupation up to the 30th May 1922, when he has ejected from the land forcibly by the Revenue authorities in denial of all his rights as permanent occupant, although he has -- quite ready and willing to pay up the yearly rent as above described and even remitted by money order rents as they fell due.

3. The revenue authorities without the concurrence of the Plaintiff put the lease of these survey Nos. for 5 years to auction and one B. Krishna Iyengar of Bindiganavale bid the same and became the tenant of such lands:--

4. Since the plaintiff was the occupant of the lands up to 30-5-192 the Revenue authorities at the instance of the defendant brought the properties belonging to the plaintiff to sale for the recovery of Rs. said to be the value of the rent for the wrongful enjoyment by the -- plaintiff of the said lands for the years 1920-21 and 1921-22; togeth with Rupee one and annas eight, the costs incurred for taking out -- proceedings against my client in all Rs.571-8-0

5. The Plaintiff to save himself from the consequences of the ---- threatened sale of his properties which was fixed for 27-6-1925, --- deposited under protest after taking permission from the defendant -- Rs.571-8-0 on 25-6-1925 at the Nagamangala Taluk treasury reserving his rights to recover the same and to claim other reliefs. The ----, receipt obtained for having so deposited the amount is herewith filed.

6. The recovery from the plain iff under such circumst Rs.571-8-0 or part thereof is in direct controvention of law.

7. The plaintiff setting out in full his claim to recover Rs.571-8-0 together with interest on the same at 12 per cent per annum issued according to law a notice to the defendant on 23-11-25 and has received an acknowledgement of the receipt of the same which is dated 23-11-1925. The defendant has neither replied to the notice nor has made any arrangements for the payment of the money claimed against him.

8. The cause of action against the defendant arose from 25-6-25 and 23-11-25 in the village of Pindiganavale and in Nagamangala within the jurisdiction of this court.

9. Particulars of the amount claimed against the defendant.

(a) Deposit under protest	Rs.571-8-0
(b) Interest on the same from 25-6-25 at 12% per annum from the date of deposit to the date of suit is Rs.	44-8-0
Total	Rs. 616-0-0

10. The plaintiff prays that this Honourable court might be pleased to grant a judgment against the defendant for Rs.616/- as claimed in para 9 of the plaint together with court costs and current interest at 6% per annum from the date of suit up to the date of -- payment:--

Verification.

I, The plaintiff make oath and say that what is contained above is true to the best of my knowledge and belief.--

Documents relied on:--

(a) Order N.Dis.R.O.C.614/22-23 dated 30-1-1923 from the French Rocks Sub Division Officer to the Amildar of Nagamangala.

(b) Order dated 17-2-23 issued by the Amildar of Nagamangala to the Sheikdar of Pindiganavale.

(c) Endorsement dated 4/8-11-24, No.Dis.49/24-25 issued from the office of the Deputy Commissioner of Mysore to the Plaintiff."

"C o p y"

from Mysore Mural Commissioner.

PP. F. VI. Gl.]

SUBJECT..... 24

Diary No. of letter replied to... . .....

Section Mer

File No. 199-25

Seria No. 3

No. 1280.

General and Revenue Secretariat

( )

the 192

To The Inuz. Comr.

Date of issue 7/4/25

Signed by

Sir,

Adverting to your letter no. 776 dy 29th March re reporting that a Suit has been filed by K.C. Savienga in the Dist. judge's Court Mysore, regarding vide S. no. 174 and 177 enclosed to Ganda Devaru temple at Bidisana Vale in the Nagamangala Tal. I am directed to request that you will be so good as to send us

List of enclosures .....

Copied by.....

Examined by.....

over

The draft of the written
statement for the approval
of Govt.

I have ch

Rev Secretary

No.C 128-25-26 Office of the Muzrai Commissioner in Mysore.
Enclosure & cheque

Dated Bangalore, 10th May 1926.

D. 13442

Mu 2 199-25-4

From

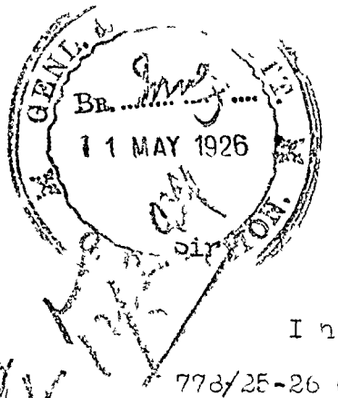
C. S. Balasundaram Iyer, Esq., B.A.,

47557

Muzrai Commissioner in Mysore,

Bangalore.

To



B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

Revenue Department.

I have the honor to submit herewith copy of letter No.C. 77d/25-26 dated the 19th April 1926 received from the Deputy Commissioner, Mysore District soliciting sanction of Government to engage the services of the Public Prosecutor, Mysore for defending the suit to be filed by Sri. P. Kesava Iyengar of Bindi anavale, Nagamangala Taluk against the sale of the house by the Revenue Department to the recovery of the cutta of survey No.230 of Bindiganavale village belonging to the Sri Varada Raja or Garudadevaru temple and held by the lessee Garudachar.

Mr. Kesaviengar has got a claim to the house sold for the arrears due by Garudachar the other hand it is ascertained that Garudachar has possessed the house in question about 12 or 14 years ago and that the name of the house stands in the name of Garudachar. The Amildar & Deputy Commissioner are of opinion that the claim of Kesaviengar is frivolous and not valid.

In the circumstances mentioned in the letter cited, sanction may be accorded to engage the services of the Public Prosecutor to defend the case as is also done in the notice.

Copy of the notice received is herewith submitted.

with the connected records for perusal and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

J. Kumar 8 10/5/14

Formuzrai Commissioner.

(Absent from Station)

14

Letter No.C.778/25-26 dated 15/17th April 1926 from the Deputy Commissioner, Mysore District to the Munsif Commissioner in Mysore.

- - - - -

"In submitting herewith for your information copy of the notice No.696 dated the 24th March 1926 received from Mr. G.Ramanujaiengar, Advocate, Mysore, on behalf of M. Kesviengar alias Muthanna of Bindiganavole, Nagamangala Taluk, stating that a suit under section 80 of the Civil Procedure Code would be filed in the District Judge's Court at Mysore in the matter of sale of a house belonging to one M.P. Garudachar for the recovery of arrears of gutta due on S.No.230 of Bindiganavole village owned to Sri -- Vainateya Devaru of the place, I have the honor to state as --- follows:--

M.P. Garudachar took up the lease of S.No.230 of Bindiganavole village, belonging to Sri Vainateyadevaru of the place for a period of three years from 1910-11 subject to the condition of payment of 10 candies of paddy every year and deposited an earnest money of Rs. 25/- to begin with. Garudachar did not act up to the condition of payment nor was the payment enforced in proper time either by the Dharmadarsies or the Taluk authorities. The matter did not come to light till 1917 when Mr. G.S.Ramaswamy Iyengar, the then Amildar auctioned the lease of the land. When payment of gutta for these six years were demanded, Garudachar said that he was liable to pay only 3 years' gutta from 1910-11 according to the terms of the -- agreement; that he would pay the same in cash at the then market rate of Rs.11/- a candy and that he was not bound to pay for the remaining three years. It was further ascertained that the land was lying fallow during the year 1913-14, that one Thope Gowda cultivated the land for Garudachar in 1914 and gave the gutta of the land to Garudachar. The Sub Division officer, French Rocks on the report of the Amildar ordered that no action need be taken for the recovery of gutta for 1913 and 1914 and that for the ---- subsequent 3 years the gutta should be recovered at the rate ----- specified for the period of his term of lease.

Co-ercive processes were adopted to recover 7 years gutta which came up to 7 x Rs.110 Rs.770/- instead of 6 years' gutta, viz., Rs.660/- minus Rs.25/- the earnest money deposited by Garudachar. The right title and interests of the defaulter's immoveable properties

properties were sold in public auction. There were bidders as the defaulter had sold away all his properties and had left Kindiganahalli for Mavasandra, Turuvekere Sub Taluk.

During the course of enquiry, it was brought to the notice of the Amildar, that Garudachar owned a house at the place and the same was put up for sale on 27-6-1925. As the public did not offer any bids, the house was purchased for the temple for Rs.200/- and the sale was also confirmed on 28-8-1925 by the Sub Division Officer. The sale Ishtihar was also served on M.B. Garudachar through the Deputy Amildar, Turuvekere Sub Taluk on 24-5-1926.

Meanwhile, N. Keshavlengar protested against the sale of the house, contending that the house in question originally belonged to Lakchamma and Varadamma of whom the former only sold it to Tarikere Garudachar; that Garudachar willed it away to his wife Thimmannamma and after Thimmannamma's death to Garudamma and her progeny and that Garudamma predeceased Thimmannamma and the house has come in the succession to himself Garudamma's son. He further stated that he had not got the original will; that the Sub Registrar refused to grant him a copy of it and that his father N. Krishnaiengar allowed M.B. Garudachar to live in the house for about 3 years during the absence of N. Krishnaiengar at Bangalore for about 3 years and that M.B. Garudachar had no manner of right to the house. The Amildar held an enquiry and it was ascertained that M.B. Garudachar purchased the house in question from N. Keshviengar and his father, N. Krishnaiengar about 13 or 14 years ago and that M.B. Garudachar repaired the building and lived therein. When Garudachar left the place for Turuvekere, he entrusted the house to the care of Shanbough H. Narayanaswamy Iyengar who has been renting it out to the successive Shekdars for residential purposes. The khata stands in the name of M.B. Garudachar.

Such being the facts of the case, both the Amildar and the Sub Divisional Officer opine that the contention of Mr. N. Keshviengar is frivolous and his title to the house is of very doubtful validity.

In the circumstances, I request that sanction of Government may kindly be obtained for engaging the services of the Public Prosecutor for defending the case.

In the meantime, I have called for the records and on receipt of it, the same will be submitted."

"C o p y"

for Muzrai Commissioner.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 27/5/26

Signed by Mr N.

Section Imm

File No. 199-25

Serial No. 199 5

No. 1509 Imm K.P.

To The Imm. Comr.

Sir,

Adverting to your letter No. C. 1285 dt 11-5-1926 requesting Sanction to engage the Services of the Public Prosecutor, Negombo, for defending the Suit to be filed by Mr N. K. Sawicugar of Bandigamawale in the Negombo Talukk, against the Sale of the house

over.

by the Rev- Dept for the
recovery of the suit of
no: 230 of Bidigaravale
& Sri Vainateya
Ganda Devaru temple
due by the lessee
Ramachar, in
& State that
Public Prosecutor, Mysore,
may be engaged to defend
suit if it is filed
(2) the records are
returned.
I have the

1975
Rev Secretary

18/5/76

List of enclosures.

Copied by

Examined by

47/28

D.No. 1352

No.C 7 No 26-25 and three Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 10th/12 May 1926.

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore,

To

R. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

GEN. & REV. SECRETARIAT 11 MAY 1926 MUZRAI

GENL. & REV. SECTT. Br. Muz 13 MAY 1926 G. D. SECTION.

Bangalore D.No. 1352 Muz 199-25-6

As required in your letter No.L 26/Muz.III-3-33 dated the 7th April 1926 I have the honor to submit herewith for your approval a copy of the draft written statement received from the Deputy Commissioner Mysore District vide his letter No.26/5-26 dated 7th May 1926 proposed to be filed by the defendant i.e., the Deputy Commissioner in the case (O.S. 12 of 1926 on the file of District and Sessions Court Mysore) filed by Sowcar Gopalakrishnaiah for the recovery of the lease amount of Rs.1,000 from the present Rs.No.174 177 assigned to the Gorigaru Sowcar Muddaiah of Hindinakavele, in the Nagamangala Taluk.

A copy of the plaint is also enclosed.

I have the honor to be,

Sir,

Your most obedient servant,

C S Balasundaram Iyer

Muzrai Commissioner in Mysore.

MR

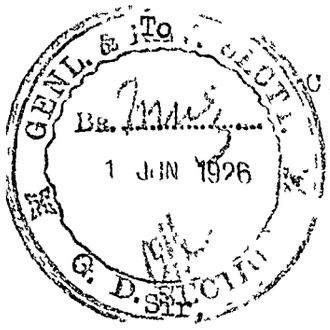
5031.0

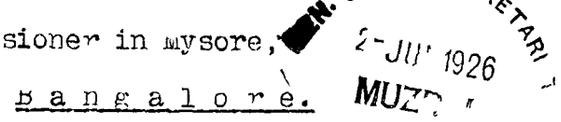
No. C.776/26-25 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 29th/31 May 1926.

From

C. S. Balasundaram Iyer, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.





To

C. Ranganatha Rao Saheb, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

E 14440
Mgr 199-25-7

In inviting kind reference to this office letter No.C.776 of 24-25 dated 12th May 1926 submitting for the approval of -- Government the draft of the written statement to be filed in --- O.S.No.12 of 25-26 on the file of the District Judge's Court, -- Mysore District filed by Kesaviengar of Bindiganavale for the recovery of the lease amount paid by him under protest in respect of S.Nos.174 and 177 endowed to the Sri Garudadevaru temple at the place in the Nagmangala Taluk, I have the honor to request early intimation of Government approval as the Deputy Commissioner Mysore District urges for the same in his letter No.238 of 22-23 dated 25th June/May 1926 since the case stands posted to 14th June 1926.

I have the honor to be,
Sir,
Your most obedient servant,
for Muzrai Commissioner.
(absent from station)

The main file D.1352 Mgr 199-25 was submitted to the II Members for orders on 4-6-1926, and its return may be awaited.
Rev. Sec'y 7.6.26 7.6.26

I believe it has since been returned. Kindly let me know
Ejoor 14626 7.6

The connected file was received with orders & was sent to Head Quarters yesterday for issue of the Ord. approving the W.S. sent up by the M.P.

Sir Louis.

Regd :- Secy's orders on the reverse.

AV 16.6.26.

Rev. Secy AV 16/6

Thanks

Seen. Thanks

16.6.26

17/6

a.v.

Please note

AV 5/7

AV 20/6

[Ms. F. VI. 61.]

SUBJECT.....

.....

.....

Section Genl

File No. 199-25

Serial No. 8

No. 1634

To Civil Secretary to the Govt. of Madras

Diary No. of letter replied to.....

General and Revenue Secretariat,

( )

the 192

Date of issue 16/6/26

Signed by W. L. N.

Sir,

With reference to the correspondence ending with your letter no. C. 776 dt 12th May 1926 forwarding for approval a draft written statement for be filed by the defendant i.e. the Deputy Collr in the case (O.S 12 of 25-26 on the file of the Dist Judge's Court, Anantapur) filed by Kesavierayar of Bukkapatnam for the recovery of the lease amount paid by him in respect of S. Nos. 174, 177

List of enclosures.....

Copied by.....

Examined by.....

over

WD 01265—GPB—31,000—24-12-25

endowed to Sri Garuda Perumal temple
at Bindiganatale, Nagamangala
Taluk, I am directed to return
herewith the Statement which is
approved by Govt
2. The Plaint copy is also
returned herewith
3. The result of the suit may be kindly
intimated in due course.

I have etc

Secretary,
Revenue Dept

No. C.776 & 24-25 Office of the Muzrai Commissioner in Mysore
enclosure with copies
& Draft of draft

Dated Bangalore, 24th August 1926.
25

From

GEN. & REV. SECRETARIAT.
26 AUG 1926
MUZRAI
D.282

B. Ramaswamaiya, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

Muzrai 199-25-9

To

GEN. & REV. SECTT.
PR
25. AUG. 1926
G. D. SECTION.

C. Ranganatha Rao Saheb, Esq., B.A., B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department.

With reference to your letter No.1064/Muz.199-25-9 dated 16th June 1926 approving of the draft written statement for being filed by the defendant i.e., (Deputy Commissioner) in case No.12 of 25-26 on the file of the District Judge's Court, Mysore in respect of the recovery of Rs.[illegible] amount due on the temple lands of Garudadevara at Pindiganavale, Nagamangala Taluk, I have the honor to submit herewith copy of letter No.A.40/26. dated 21st August 1926 received from the Deputy Commissioner, Mysore District forwarding an extract of letter No.54 of 26-27 dated 4th August 1926 received from the Public Prosecutor, Mysore Division. Soliciting instructions, in the circumstances mentioned therein, as to how he should proceed, the case coming off for hearing on the 23rd instant.

I request that the views of the Secretary to Government Local and Legislative Department may kindly be obtained in the matter and communicated early so that necessary instructions may be issued in time to the Deputy Commissioner.

Copies of plaint and draft of the written statement are also enclosed for kind reference and return.

I have the honor to be,
Sir,
Your most obedient servant,

Assistant Commissioner
for Muzrai Commissioner.
Absent from Station

Letter No.H.40/A.C. dated 20th August 1926 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

Subject:-

Suit filed by N. Keshava Iyengar - recovery of Gutta Garudadevaru Temple lands - Bindiganavile.

"With reference to your letter No.C.776 of 24-25 dated 22nd June 1926 conveying the sanction of Government to the draft of the written statement to be filed in O.S. No.12 of 25-26 on the file of the District Judge's Court, Mysore, in respect of the recovery of - gutta amount due on the temple lands of Garudadevaru at Bindiganavile, Nagamangala Taluk, for 1920-21 and 1921-22 from N. Keshava Iyengar, I have the honor to forward herewith an extract of letter No.64/26-27 dated 4th August 1926 received from the Public Prosecutor, Mysore -- Division.

2. Under the circumstances set forth in the Public Prosecutor's letter referred to above, I request that the opinion of the Secretary to Government, Local and Legislative Department, may kindly be ---- obtained as to the future course of action to be adopted by the Public Prosecutor.

3. The Amildar of Nagamangala Taluk who was requested to submit all the available records in this matter has reported that there are no records in his office except the few references noted in the From and To Registers. I have called for extracts of all such entries and on receipt of them, the same will be transmitted to the Public Prosecutor A copy of Nagamangala Taluk Amildar's Report No.C.15/26-27 dated 10th August 1926 is also enclosed for kind reference.

4. As the Public Prosecutor has stated that the case is posted for hearing on 23rd August 1926, I have requested him to move the Court for a short adjournment, if the views of Government are not communicated -- before the date of hearing.

5. Copies of the Plaint and draft of the written statement are also enclosed for kind reference and return."

"C o p y"

Muzrai Commissioner.

Letter No. 54/26-2 dated 4th August 1976 from the Public Prosecutor Imphal District, Imphal, to the Deputy Commissioner Imphal District, Imphal.

- - -

x x x x x x x x x

Now the point for immediate consideration is whether the Manipur Department is competent to recover the amount as an arrear of land revenue under the Land Revenue Code, relying upon section 19 of the Manipur Regulation. Section 19 of the Government Act lays down, that amount due must be an arrear of rent or revenue due from landholder, tenure and must be have for pecuniary liability to prove that in spite of the service of notice, plaintiff Kshetrimayum Ibungohal Singh refuse to remain in possession as a tenant holding over after duly intimated that he would be required to pay the increased rental of Rs. 2250/- per annum during the period of his occupation, I am of the, as already observed before, section 19 of the Manipur Regulation will not be of any avail to support our contention.

In this connection I would bring to your notice our allegations in para 5 made of our written

statement / copy of which you have in your office.
The allegations contained in these paras do not
support the theory of the plaintiff being a tenant
holding over but goes a long way to characterize
the plaintiffs possession as being that of a trespasser
when once we concede that plaintiff was a trespasser
and thereby base our claim for recovery of mesne
profits on the Muzkai Regulation and the only
way in which we can secure relief would be by means
of a regular suit for recovery of mesne profits, due to
us for the period of his illegal or unauthorised occupation
and the amount cannot, in my view, be recovered under
the Land Revenue code as an arrear of land revenue.
This view I have already expressed in explicit terms
in my aforesaid communications 401 and 435. There
has arisen the necessity to address this communication at
this length as the district judge during the proceedings of
the case was inclined to hold the same view as I did.
I have however taken time till the 28th instant, to have
the benefit of your instructions in the matter. The
Legislative Secretary may, with advantage be consulted
in the matter, if not done so by now. Of course we have
always our remedy for recovery of mesne profits from
plaintiff by filing a suit thereafter. But the question is,
our present recovery of Rs. 571-8-0 (to recover which
plaintiff has now filed the present suit) legal? Regarding
this point, I wish you will please place before Government
my views and oblige me by suggesting as to how I should
act in the matter. If in the case issues are framed, the

case becomes contested and if we fail in establish-ing the legality of our actions, we have to pay the costs of the plaintiff and refund the amount also. On the other hand we become conscious of the bulk of our contention, we may admit the claim and thereby save half the court costs, reserving of course our right to file a suit for the recovery of the 2 years' mesne profits. As the case comes on for hearing on the 23rd inst the matter may kindly be treated as urgent.

The few Kannarese records sent to me, as I have previously stated in my communications, do not throw any light upon the point in issue. If perchance there should be any records either in your office or in the Amildar's office at Nagamangala, to help us out of the difficulty I shall be very glad to scrutinize them and turn them to advantage."

Extract
"Copy"

V. S. Vaidyanathan
for Deputy Commissioner
Mysore District.

Ref
D/ 10th Aug. 26.

Report No. C.15/26-27, dated/9-8-1926, from the Amildar, Nagamangala to the Deputy Commissioner, Mysore District.

There is absolutely no record relating to this matter in this Office.

From enquiries and from a perusal of the "From" and "To" Registers, I gather the following information:-

Notice to quit the land has been served on Kesava Iyengar more than once and though the provision of the law is not expressly stated therein, it amounts to a notice intimating the termination of tenancy as contemplated in Section 80 of the Mysore Land Revenue Code.

After the lands were sold for higher lease amount and before the sale was confirmed, a notice has been served on Kesava Iyengar and a report submitted to Sub Division with No. 101 dated 24-3-1922. The extract of the "To" Register is as follows:--

ಇ ಬಂದಿಕನವತಿ ಶ್ರೀನಿಗಳು ಡಿಜೀವರ ಇನಾಂತಿ
ಜಿಮೀಂ ೯ 174 ೪ 177 ನೇ. ಜೀವನೋಧಿ ನಗ್ಗೆ Resume
ಮಾಡಿ ಕೊಳ್ಳಂಡಿಲು ವಂದಿ ಚಾರ — ಮುಕ್ಕುಂಪ್ರಕಾರ
ಜಿಮೀಂ ೯ ಅನುಭವ ದಾಂಲ್ರಿಗೆ ಸೇರಿಂಲ ಬೆಲೆಗೋಸೊಂಬು
ಭೂಂಯಾಂಗಿ ಬಂದಿಲು ಅಲ್ಲದನ್ನು ಕೊಂಡರಿಯಾ
ನಿನಿಲು ತ್ಕೆ ಪರಿಂಬರಿಗೆ ಮಾಂಲರ ಮುಂಜುವುಂ
ಭೂಂರಿ ಮುಕ್ಕುಂಪಾ ದರಿಂಗೆ ಬೆಲೆ ೪.

I do not suppose that the Notice made it clear that the enjoyer was liable to pay if continued in possession. It is an old affair and it is not possible to explain the omission now. Perhaps the attention was all concentrated on getting possession of the lands.

"Copy"

V.G. Vaidyanathan

for Deputy Commissioner,
Mysore District.

NRS

Do 26

In the Court of the District Judge, M y s o r e.

O.S.No.12 of 1925-26.

Plaintiff:- VS. Defendant:-

N.Keshaviengar. Deputy Commissioner, Mysore District, Mysore.

Written statement of Defendant above named:-

I. Survey Nos. 174 and 177 referred to in the plaint are Devadaya Inam lands endowed to Sri Vinateya Swami ~~endow~~ at Bindiganavale.

II. In exercise of the authority vested in Government to resume possession of Devadaya Inam lands endowed by Government, a notice was given to the Plaintiff in 1920 to give up possession of the said lands, as the Kuzrai Department would resume control over them.

III. That in spite of the said notice, the plaintiff continued to be in wrongful possession of the said lands till May 1922 when steps had to be taken to evict him from the said lands.

IV. That after the above referred eviction, Plaintiff filed O.S.No.20 of 22-23 of the file of the District Judge, Mysore, for the recovery of possession of the above two lands and for recovery of Rs.500/- as yearly meesne profits. This suit after contest, was dismissed ~~wi~~ with costs.

V. During the course of proceedings taken to recover two years mesne profits due from the Plaintiff to the religious institution, a sum of Rs.571 and odd was recovered. This represents the amount due from Plaintiff ~~am~~ for having been in wrongful possession of the above referred lands contrary to the notice of eviction, for the years 1920-21 and 1921-22.

VI. The Defendant submits that the Plaintiff was legally bound to pay the aforesaid sum of Rs.571-8-0 by reason of his illegal and unauthorised occupation and possession of Survey Nos. 174 and 177.

VII. The Defendant does not admit the truth of the allegation of the Plaintiff to the effect that he was a permanent occupant of the lands in question.

VIII. The decision in O.S.No.20 of 1922-23 on the file of the District Judge, Mysore, operates as Res-judicata, regarding the right of permanent occupancy set out by the Plaintiff, and the legal right of Defendant to evict the plaintiff from the lands under consideration.

IX. The Plaintiff is not entitled to any of the reliefs claimed for in the plaint.

For reasons aforesaid amongst others, Defendant submits that the suit may be dismissed with costs.

What is above submitted are true to the best of my knowledge and belief.

Sd/- M.Srinivasiengar,
Advocate and Public Prosecutor,
4-5-1926.

"Copy"

for Deputy Commr,
Mysore.

5.5.26.

In the Court of the District Judge, Mysore.

O.S.No.12 of 1925-26.

Plaintiff:- N.Keshava Iyengar, son of N. Krishna Iyengar, Bindiganavale village, Nagamangala Taluk.

Defendant:- The Muzrai Officer and the Deputy Commissioner, Mysore District, Mysore.

Under Section 229 of the Mysore Land Revenue Code and Section 9 of the Civil Procedure Code.

1. The Plaintiff begs to state as follows.- The Plaintiff and his ancestors were enjoying Survey numbers 174 and 177 in Bindiganavale village as permanent occupants subject to the annual payment of a fixed rent in the shape of half the income derived from cocoanut produce for the land holders share from the trees standing in those survey numbers to the temple of Sri Vynatheya Swami in Bindiganavale.

2. The plaintiff was in such occupation up to the 30th May 1922, when he was ejected from the land forcibly by the revenue authorities in denial of all his rights as permanent occupant, although he was quite ready and willing to pay up the yearly rent as above described and even remitted by money order rents as they fell due.

3. The revenue authcrities without the concurrence of the plaintiff put the lease of these survey numbers for 5 years to auction and one B.Krishna Iyengar of Bindiganavale bid the same and became the tenant of such lands.

4. Since the plaintiff was an occupant of the lands up to 30-5-1922, the revenue authorities at the instance of th Defendant brought the properties belonging to the plaintiff to sale for the recovery of Rs.570/- said to be the value of the rent for the wrongful enjoyment by the Plaintiff of the said lands for the years 1920-21 and 1921-22., together with

Rupee one and annas eight, the costs incurred for taking out proceedings against my claint in all Rs.571-8-0.

5. The plaintiff to save himself from the consequences of the Threatened sale of his properties which was fixed for 27-6-1925 deposited under protest after taking permission from the defendant Rs.571-8-0 on 26-6-1925 at the Nagamangala Taluk Treasury reserving his rights to recover the same and to claim other reliefs. The receipt obtained for having deposited the amount is herewith filed.

6. The recovery from the plaintiff under such circumstances of Rs.571-8-0 or part thereof is in direct controvention of law.

7. The plaintiff setting out in full his claim to recover Rs.571-8-0 together with interest on the same at 12 per cent per annum, issued according to law a notice to the defendant on 21-11-1925 and has received an acknowledgment of the receipt of the same which is dated 23-11-1925. The Defendant has neither replied to the notice nor has made any arrangements for the payment of the money claimed against him.

8. The cause of action against the defendant arose from 25-6-1925 and 23-11-1925 in the village of Bindiganavale and in Nagamangala within the jurisdiction of this Court.

9. Particulars of the amount claimed against the Defendant:-

(a) Deposit under protest Rs.	571-8-0
(b) Interest on the same from 25-6-1925 at 12 P.C.per annum from the date of deposit to the date of suit is Rs.	44-8-0
Total Rs.	616-0-0

10. The Plaintiff prays that this Honourable Court might be pleased to grant a judgment against the defendant for Rs.616/- as claimed in para 9 of the plaint together with court costs and current interest at 6% per annum from the date of suit ~~at 6 pies per annum~~ up to the date of payment.

Verification:-

I, the Plaintiff, made oath and say that what is contained above is true to the best of my knowledge and belief.

Documents relied on:-

(a) Order N.Dis.R.O.C.614/22-23 dated 30-1-1923 from the French Rocks Sub Division Officer, to the Amildar of Nagamangala.

(b) Order dated 17-2-23 issued by the Amildar of Nagamangala to the Sheikdar of Bindiganavale.

(c) Endorsement dated 4/8-11-1924, No.D2.Dis.49/ 24-25 issued from the office of the Deputy Commissioner of Mysore to the Plaintiff.

"Copy"

For Dy. Comdr,
Mysore.

This is found by itself, (rec? for the answer to file rec? for the sec?).
Do which file does this belong?
Please see
1573

In the Court of the District Judge, Mysore.

O.S. No. 12 of 1925-26.

Plaintfff	Vs.	Defendant.
N. Keshaviengar		Deputy Commissioner, Mysore District, Mysore.

Written statement of Defendant above named

1. S.Nos. 174 & 177 referred to in the plaint are Devadaya Inam lands endowed to Sri Vinateya Swami at Bindiganavale.

2. In exercise of the authority vested in Govt. to resume possession of Devadaya Inam lands endowed by Govt, a notice was given to the plaintiff in 1920 to give up possession of the said lands, as the Muzrai Department would resume control over them.

3. That in spite of the said notice, the plaintiff continued to be in wrongful possession of the said lands till May 1922 when steps had to be taken to evict him from the said lands.

4. That after the above referred eviction, Plaintiff filed O.S. No. 20 of 22-23 on the file of the District Judge, Mysore, for the recovery of possession of the above two lands and for recovery of Rs. 500/- as yearly mesne profits. This suit after contest was dismissed with costs.

5. During the course of proceedings taken to recover two years mesne profits due from the Plaintiff to the religious institution, a sum of Rs. 571/- and odd was recovered. This represents the amount due from Plaintiff for having been in wrongful possession of the above referred lands contrary to the notice of eviction for the years 1920-21 and 1021-22.

6. The Defendant submits that the Plaintiff was legally bound to pay the aforesaid sum of Rs. 571-8-0 by reason of his illegal and unauthorised occupation and possession of S.Nos. 174 and 177.

7. The Defendant does not admit the truth of the allegation of the Plaintiff to the effect that he was a permanent occupant of the lands in question.

8. The decision in O.S. No. 20 of 1922-23 on the file of the District Judge, Mysore, operates as Resjudicata, regarding the right

permanent occupancy not by the Plaintiff
of Defendant to evict the Plaintif from the Lands under legal ne
consideration.

9. The Plaintiff is not entitled to any of the reliefs claimed for in the plaint.

For reasons aforesaid amongst others, Defendant submits that ~~khaxxx~~ the suit may be dismissed with costs.

What is above submitted are true to the best of my knowledge and belief.

Sd/- M. Srinivasiengar,
Advocate & Public Prosecutor.
4-5-1926.

* C O P Y *

PP. F. VI. Gl.]

SUBJECT..... .. ..

....

.. ..

Diary No. of letter replied to..... ....

Section Mucr

File No. 109-25

Seria No.

No. 510 Encl

To ..... The Inv: Comr ....

General and Revenue Secretariat

( )

the 192

Sir,

Adverting to correspondence ending with your letter No. C. 4776 dy 25th August 1926 submitting a copy of Mysore Dy. Comr's. letter dy 21st August 1926 forwarding an extract of letter dy 4th August 1926 from the Public Prosecutor, Mysore Divn., soliciting instructions as to how he should proceed in the case relating to the

over

Date of issue 16.9.

Signed by [illegible]

List of enclosures..... .. ..

Copied by..... ....

Examined by..... .. ..

WD 0562—GPB—31,000—17-8-25

recovery of the full
amount due on the
Temple lands of Ganga-
dharam at Bindiganavale
in the Nagamangala Taluk,
and requesting Legal
Secretary's views in the
matter, I am directed
to forward herewith
a note of the views
of the A/ Secretary
dt 7-4-1926, on the subject,
and to request that the
result of the suit
may be intimated in due
course.

I have etc.

By) [illegible] Secretary

No. C 1285 / 25/26 — Ex Plaint Copy (Page 3).

Office of the Muzrai Commissioner In Mysore,

Dated Bangalore the 22nd September 1926.

24

GEN. & REV. SECRETARIAT — SEP 1926 — MUZRAI

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner In Mysore, BANGALORE.

GEN. & REV. SECTT. — 24 SEP 1926 — G. D. SECTION.

To

Ranganatha Rao Saheb, Esq., B.A., B.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, Revenue Department.

Sir,

Referring to your letter No.1509/Muz199-25 dated 27-5-26 conveying sanction of Government to engage the services of the Public Prosecutor, Mysore, for defending the suit to be filed by Mr. N. Kesavaiengar of Bindiganavale in the Nagamangala Taluk against the sale of a house for recovery of arrears of gutta due on S.No. 230 of Bindiganavale belonging to Sri Garuda Devaru temple at the place, I have the honor to state that the Deputy Commissioner Mysore District reports in his letter No.H.323/Ac dated 15-9-26 that the party has filed a suit and that the duplicate summons with a copy of the plaint received from the District Judge's Court mYsore, has been sent to the Public Prosecutor Mysore for taking necessary action in the matter.

A copy of the Plaint is herewith transmitted for kind perusal and return.

I have the honor to be,

Sir,

your most obedient servant,

For Muzrai Commissioner,

(Absent from the Station.

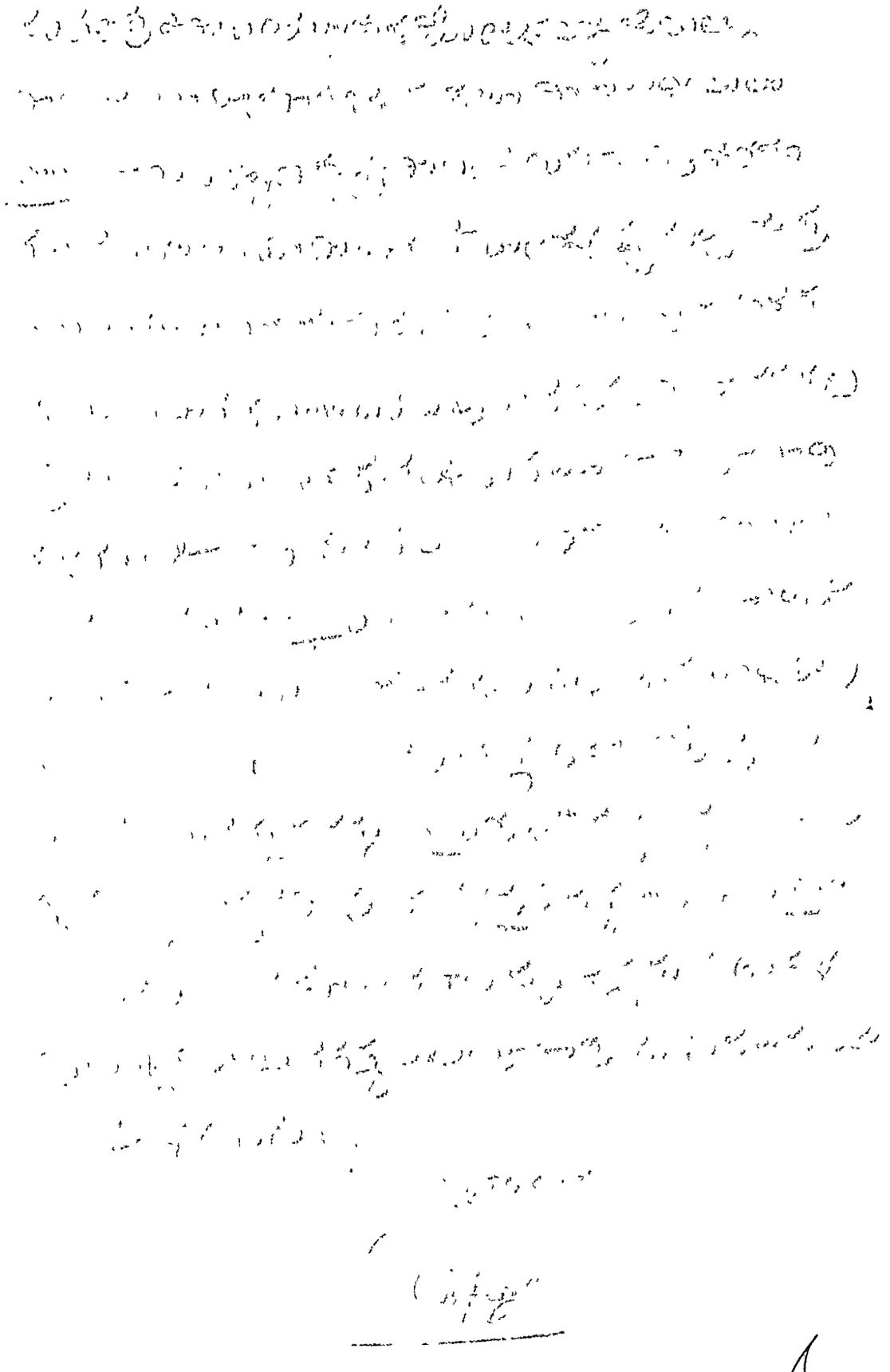
B. R.

nbv.

1922.

* [illegible]

[illegible]



V Wamadevan
15.9.1926. For Deputy Commr,
Mysore Dt.

DEPOSITED IN THE RECORD OFFICE H.40 ENCL. one

GEN. & REV. SECTT. 18 SEP 1926

1363 P 926 D. 385

IMMEDIATE.

Office of the Muzrai Commissioner,
Mysore District.
Mysore, dated 14th September 1926.

From

A. V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Mysore District.

GEN. & REV. SECTT. BR P 17. SEP. 1926 by G. D. SECTION.

To

B. Nagappa, Esq., Bar-at-law,
Secretary to the Government of
Mysore, Bangalore.
(Local & Legislative Departments.)

Subject:-

Suit - filed by N. Keshavangar & Bindiganavale - recovery of gutta or lands belonging to Garuda-devan Temple.

Sir,

I have the honour to submit herewith a copy of letter No.H 1. 40/A.C. dated the 14th September 1926 addressed to the Muzrai Commissioner in the matter of suit filed by N. Keshavangar against the Deputy Commissioner and to request that early orders may kindly be passed and intimated to this Office.

I have the honour to be,

Sir,

Your most obedient Servant,

V S Vaman for

For Deputy Commissioner,
Mysore District.

NRS

The Secretary's opinion in this case has been furnished in the Muzrai Branch file which was returned by the Muzrai Branch a few days ago. This may be transferred to the Muzrai Branch

U/O 1879/26 Supt, Muzrai Br
Ans 1869.

Muz. 7. 199-25 is submitted. Deputy was issued on Subject 163 & 24. This will be in Muzrai file

Inez. 7. no. 199-25 ò Sulmè

Orders were issued in this case on 16.9.26.

Nos will be kept in the file.

Sulmè

Rev. Sec'y/ 1

22/9

21.9.26

22/9

24.9.26

Sec'y/9

Office of the Deputy Commissioner,
Mysore District,
Dated Mysore, 14th September 1926.

64

From

A. V. Ramanathan, Esq., B. A.,
Deputy Commissioner, Mysore District.

To

C. S. Ratnasundaram Iyer, Esq., B. A.,
Huzrai Commissioner, in Mysore
Bangalore.

Subject:- Suit filed by M. Keshvlengar-Vindigam vs-Putta
recovery of lands belonging to Gandadevarutte.

Sir,

In continuation of this office No.M.40/A.C.
dated the 10th August 1926, submitting copy of letter No.54/26-27
dated 6th August 1926 received from the Public Prosecutor,
Mysore Division, and requesting to obtain and forward the opinion
of the Secretary, Local and Legislative departments, I have the
honour to state that the Public Prosecutor now reports that the
case underwent two adjournments and it has been again put to
4th October 1926, and that he should submit his report thereon
of the case only to Government Local and Legislative departments
may be kindly obtained early and intimated to this office before
the above date, i.e, 4th October 1926.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. V. S. Vasudeva Rao.

for Deputy Commissioner,

Mysore District.

C. S.

"Copy"
V S Vasudeva Rao
15.9.26 for Deputy Commr,
Mysore Dt.
Klw

42828

D. C 776/24-5

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

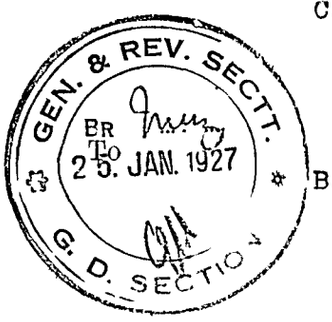
Bangalore, 23rd January ....192 7.

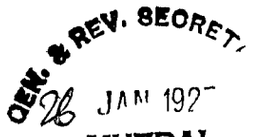
25

FROM

C. S. Balasundaram Iyer, Esq,. B,A.,

MUZRAI COMMISSIONER IN MYSORE.





D 6021

Muz. 199-25-12

B. Srinivasa Iyengar Esq., B.A.,B.L.,

Secretary to the Government of His

Highness the Maharaja of Mysore.

Financial Department.

SIR,

AV
26/1

With reference to your letter No.519/Muz.199-25-10 dated 16th September 1926 requesting that the result of the suit in the case --- relating to the recovery of the gutta amount due on the temple lands of Garudadevaru at Bindiganavale in the Nagamangala Taluk may be intimated in due course, I have the honor to forward herewith copy of letter No.HL 40/Ac dated 14/17th January 1927 from the Deputy Commissioner --- Mysore District on the subject stating that the suit was decreed with costs.

I have the honor to be,

Sir,

Your most obedient servant,

C S Balasundaram Iyer

Muzrai Commissioner.

MJ

Letter No.RL.40/A.C. dated 14/17th January 1927 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

" With reference to your letter No.C.776/24-25 dated the 17th September 1926, I have the honor to state that the Public Prosecutor, Mysore Division, intimate in his letter No.308-26-27 dated 12th January 1927 that the judgement in O.S.No.12/25-26 (N. Kesviengar Vs. Deputy Commissioner, Mysore) on the file of the court of the District Judge, pronounced on 12th January 1927 decreeing the suit with costs."

" C o p y"

Muzrai Commissioner.

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 5.9.27

Signed by Ms M. Venkatesa Iyer

List of enclosures.....

Copied by.....

Examined by.....

Section Misc

File No. 199-25

Serial No. 13

No. 4571

To

The Insp. Comr.

Sir,

Adverting to correspondence ending with your letter no. C.776 Dy 25th January 1927 submitting a copy of Mysa. Dy. Comr's. letter reporting that the Suit in the case relating to the recovery of the gutta amount due on the temple lands of Gamdevana in Bindiganavale in the Nagamangala Taluq was decreed with costs, I am directed to request [illegible]

over

furnished with a copy of
the judgt in the case with
a report as to whether
a report of an appeal
can be preferred.--
(2) The favr of I have &c.
a very early reply
is requested.

Jud. Secry.

O.C 776 of 24-25
endorsing bill & decree & judgment copies

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

Bangalore, 25th February, 1927.

26

GEN. & REV. SECRETARIAT. 1/3/27

MUZRAI

D/1232

Muz 199-25-14

FROM

P. G. D'Souza, Esq., B.A., B.L.,
MUZRAI COMMISSIONER IN MYSORE.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of H.E.H.
His Highness the Maharaja of Mysore,
Financial Department.

SIR,

Adverting to correspondence ending with your letter No. [illegible]
dated 5th February 1927 I have the honour to submit herewith a
copy of the judgment in the case relating to [illegible]
in Mysore for favour of Gopalrao [illegible]
Nagendra Rao Pantulu in which [illegible]
are hereby objected. I [illegible]
Court, have [illegible]
Public Prosecutor [illegible]
appeal to the Chief Court [illegible]
Deputy Commissioner [illegible]
rights of the Government [illegible]
suit one compromised. I [illegible]
may be kindly communicated in order that [illegible]
communicated to the Deputy Commissioner.

I have the honour,

Sir,

Your most obedient

servant,

P. G. D'Souza

Muzrai Commissioner.

H.40/A.C.

Encl. Two.

Office of the Deputy Commissioner,
Mysore District.
Dated, Mysore, 15th February 1927.

From

A.V. Ramanathan, Esq.,B.A.,
Deputy Commissioner,
Mysore District,Mysore.

To

P.G. D'Souza, Esq., B.A., B.L.,
Muzrai Commissioner
in Mysore, Bangalore.

Sir,

Suit - N. Kesveingar - Bindiganavale - recovery of gutta on lands - Sri Garudadevaru Temple.

In continuation of this Office letter No. H1.40/A.C. dated the 17th January 1927, reporting that the suit [illegible] by N. Kesveingar against the Deputy Commissioner was decreed with costs, I have the honour to submit herewith for sanction a bill for Rs. 28-9-2, being the legal remuneration in the said case due to the Public Prosecutor, Mysore Division, together with copies of the decree and judgment passed in the above case and to request that the Government Advocate in Mysore, Bangalore, may kindly be addressed for favour of furnishing his opinion asto whether this is a fit case for appeal.

I have the honour to be,

Sir,

Your most obedient Servant,

For Deputy Commissioner,
Mysore District.

NRS

Muz. 7]

SUBJECT.....

.....

.....

Diary No. of letter replied to 1232

SECTION Muz

FILE No. 199 25

SERIAL No.

Muzrai Secretariat

(Muz)

the 192 .

Proceedings of the Government of
His Highness the Maharaja of Mysore

Date of issue 8-3-27

Signed by. M. Venkatarao

Read—

Letter no 1602/muz. 266-22. dy 7th May 1925 according Sanction ~~for~~ engaging the Services of the Public Prosecutor for defending the Suit filed by r. Kesaviengar in the matter of recovery of arrears of Gutta due on the inam lands endowed to Sri Ganesa Devaru temple at Bidiganavale, Nagamangala Taluk.

Letter no. C. 776 dy 26th Feby. 1927 from the muz. Comr.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette. English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

~~Order Thereon~~ No.

reporting that the Suit
was decreed with costs,
and submitting a bill for
Rs 28-9-2. duly countersigned
by the Dist. Judge, being
the legal remuneration
in the aforesaid case Suit
due to the Public Prosecutor
together with copies of
the decree and judgment
passed therein

order 1673-9

The bill for ~~Rs~~
28-9-2 is sanctioned,
the cost being debited
to the funds of the
district.

(2) Separate orders will issue in the matter of preferring an appeal to the ch. court.

List of enclosures.

Copied by

Examined by

WD 0566—2000—GPB—29-7-22

vi. 61.]

S ECT.....

.....

.....

Diary No. of letter replied to.....

Section

File No.

D O

Serial No

No. 4785

To

The Govt. Advocate

General and Revenue Secretariat

( )

the *192*

Date of issue 15/3/27

Signed by M. ES

B N,

Dear Sir,

An appeal has been preferred to the Civil Court before the 23rd inst. against the decision of the D.J. Jaffna in D.C. No. 12 yrs. 26 and I should like to discuss the case with you

May I request you thereupon to kindly make

List of enclosures.....

Copied by.....

Examined by.....

over

WD 01265—GPB—31,000—24-12-25

it convenient to come as
early as possible

Yours sincerely,

SG
(STAFF)

No. C.776/24-25 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 7th November 1927.

From

P. G. D'Souza, Esq., B.A., P.L.,

Muzrai Commissioner in Mysore,

Bangalore.

FINANCIAL
10 NOV. 1927
No. 7032

GEN & REV. SECRETARIATS
11 NOV 1927
MUZRAI
0588
Muz 199-25

To

P. Srinivasa Iyengar, Esq., B.A., P.L.,

Secretary to the Government of His Highness the Maharaja of Mysore,

Financial Department.

Sir,

Adverting to para 2 of the Government Order No.1673-9/Muz.199-25 dated 8th March 1927 in the matter of recovery of arrears of cutta due on the inam lands endowed to Sri Garudalvaru temple at Pindiganavale in the Nagamangala Taluk, I have the honor to state that the Deputy Commissioner Mysore District, in his letter No.H.46/M.C. dated 29th October 1927 (copy of which herein enclosed) forwards copy of Government Advocate's letter No.320 dated 27th October 1927 stating that there are no grounds to move the Chief Court for stay of execution of the Decree passed by the District Judge's Court Mysore District, in favour of Kesava Iyengar, allowing his claim to the arrears of cutta recovered from him. The Government Advocate suggests that if the amount of the Decree is paid up now, it can be recovered with interest thereon from Kesavamurthy who is a well-to-do gentleman, if the appeal pending before the Chief Court should be decided in favour of the institution. The Deputy Commissioner solicits instructions in the matter of the payment of the decretal amount. The institution has a net credit Rs.2083-0-0.

In the circumstances explained above, I request kind sanction of Government to the payment of the decretal amount, which amounts to Rs.700/-, from the funds of the institution.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

No.H.40/A.C. dated 29th October 1927 from the Deputy Commissioner, Mysore District to the Muzrai Commissioner in Mysore.

Subject:--

Execution Case No.3 of 27-28-District Judge's Court-Mysore (N.Keshava Iyengar Vs. the Deputy Commissioner, Mysore --- District.

"With reference to your Memo No.C.776 of 24-25 dated 27th --- September 1927 in the matter of moving the Chief Court for stay of execution of the Decree passed by the District Judge's Court, Mysore in O.S.No.12 of 1925-26, Ex.Case No.3 of 1927-28 (N.Keshava Iyengar Vs the Deputy Commissioner, Mysore District), I have the honor to forward herewith copy of Government Advocate's letter No.320 dated 27th October 1927. The Government Advocate intimates that there - are no sufficient grounds to apply to the Chief Court for ordering stay of execution of the Decree passed by the Lower Court, and --- suggests that if the amount of the Decree is paid up now, it can be recovered with interest thereon from N. Keshava Iyengar who is stated to be well-to-do person, if the appeal pending before the Chief Court should be decided in favour of the Institution.

2. Under the above circumstances, I solicit favour of immediate instructions as to whether the amount of the Decree may be paid now.

3. As the next hearing of the Court is posted to 4th November -- 1928, I have also requested the Public Prosecutor, Mysore Division - to obtain a short adjournment on that day pending your instructions in the matter.

"C o p y"

For Muzrai Commissioner.

Letter No.320 dated 27th October 1927 from the Government Advocate in Mysore to the Deputy Commissioner, Mysore District.

In the matter of Execution Case No.3 of 27-28 on the file of the District Judge, Mysore Division (Bindiganavale N.Kesava Iyengar Vs.The Deputy Commissioner and Muzrai Officer, Mysore District)

With reference to your instructions to file an application before the Chief Court for the stay of the Execution of the decree by the District Judge, I have the honour to state that on a careful consideration of the matter and in the light of the information supplied to me by the Public Prosecutor Mysore, I find that there are no sufficient grounds to apply to the Chief Court for ordering stay of execution.

2. One of the essential requirements is that there must be sufficient grounds and the law on the subject specifically enacts that no order shall be made unless the Court is satisfied that substantial loss may result to the party applying for stay unless the order is made. In this case as the decree is for payment of money and as even in the event of success in appeal, we can recover it with interest, it cannot be said that sufficient loss will be caused by present payment to the respondent as per decree. He is said to be a well-to-do person who can pay back the amount whenever called upon by the Court.

3. It is clear that an order for stay cannot be passed as a matter of course, merely because an appeal has been filed and I am afraid there are no good grounds to justify the filing of an application under Order 41, Rule 5 for stay of execution.

4. The application before the District Judge is posted for hearing to the 4th proxmio and I would therefore, request you to let me have your further instructions in the matter. Necessary instructions may also be sent to the Public Prosecutor by that date.

"C O P Y"

For Deputy Commissioner,
Mysore District.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D. 588

Com^n from the Inm Comr. Re The inam endowed to Sri Sarada Temple at Bidiganala Bagamangala Co Taluk.

The connected file no 199—1925 was sent to G.A. for filing an appeal to the ch. Court against the order of the Dist Judge, Mysore Divn,

A D.O. requesting the GA to send back this file for reference, is submitted for appl.

14/11/25

Done
14/11

89
14/11

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

[redacted]

[redacted]

[redacted]

A. F. F. VI. G1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 15/11/27

Signed by M M V Iyengar

List of enclosures.....

Copied by .....

Examined by .....

Section

File No.

Serial No.

Do. No. 782

To The Govt Advt

Sir,

Mus. 7. no. 199 - 25

Re Budigana Sale case

was sent to you unofficially re

your filing an appeal

to the chief court against

the order of the Dist Judge,

Mysore Divn. As it is

required for reference in

another connection, I request

you to kindly send back

this file which will be

returned

over

WD0125—GPB—80,000—26-5-27

In reply please to
No. 3 ..

Vol. A —
Bangalore

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE

Bangalore, 18th Nov. 1927

SECRETARIAT.
MUZRAI 654

Dear Sir,

D. O.

As desired by you in your letter No. 782 Muz. 199-25, dated the 15th November 1927, I am returning herewith the entire file of Secretariat papers (containing five stitched collections and two tagged collections) sent to me for filing the appeal against the order of the District Judge, Mysore Division, in Original Suit No. 12/1925-26, (Bindiganavale N. Kesava Iyengar VS. The Deputy Commissioner, Mysore District) and to request that the receipt of the same may be kindly acknowledged.

Yours sincerely,

M. Venkatesa Iyengar, Esq., M.A.,
Under-Secretary to Government,
Gen. &. Rev. Sectt., BANGALORE.

834
Mey 199-25 & 22-11-27

Dear Sir,

I am desired to acknowledge with thanks receipt of the Secretariat file of papers sent to you for filing the appeal against the order of the District Judge, Mysore Division, in Original Suit No. 12/ 1925-26, received with your D.O. Letter No. 370 of date.

Yours sincerely,

K.Shankaranarayana Rao, Esq.,M.A.,B.L.,
Government Advocate,
Bangalore

No. C. 6/24-25 Office of the Muzrai Commissioner in Mysore.

FINANCIAL SECRETARY 24 NOV. 1927 No 7907

Dated Bangalore, 22nd November 1927.

From

P. G. D'Souza, Esq., P.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

SECY. SECRETARIAT 25 MUZRAI 8659

To

P. Srinivasa Iyengar, Esq., P.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.

Sir,

I have the honor to invite a reference to this office letter No.C.770 of 24-25 dated 9th November 1927 soliciting sanction to the payment of the decretal amount in connection with the Execution case No.3 of 27-28 on the file of the District Judges Court, Mysore (N. Kesava Iyengar VS. the Deputy Commissioner, Mysore District) and to request the favour of early orders in the matter as it is intimated by the Deputy Commissioner the case which had been fixed for hearing on 4th November is adjourned to 9th December 1927.

I have the honor to be,
Sir,
Your most obedient servant,
Assistant Commissioner.
For Muzrai Commissioner
(Absent from station.)

Orders are under issue. Place in Mi cm file.

G.R.S. VI G. 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... 5 68 .....

Section · Muz

File No. 199 - 2

Serial No.

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore

, *the* 192 .

Date of issue.... 30/11/27

Signed by.....M B Ramaiya.....

Read—

G. O. no 1678-9/ Muzra 199-25 dy 8.3.1927 in the matter of the Recovery of arrears of Suda due on inam lands endowed to Sri Sanda Devara temple Bidirgunaivale in the Nagamangala Taluk.

Order Thereon No. Letter no. C 776 dy 9.11.1927 from the Muz Comr in Mysore forwarding copy of S. A's letter no. 32 dy 27-10-1927 stating that there are no grs to move the chief cours.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

C

Stay of execution of the
decree passed by the Dist
Judges Court, Mysore,
in favor of Kesaviengar
allowing his claim to the
arrears of Sista recovered
from him, and soliciting
sanction of Govt to the
payment of the Secretal
amount which may
not to Rs. 700/-
now the funds of the
in Govt.

Order 910 — 12

The Dy. C's recommendation
is sanctioned.

List of enclosures.

Mysore
28/11/27

27/11/27 Asst Secy

By Mr. Cruz. Comr

" Comptr

" S. A. in Mysore

Copied by

Examined by

WD 1636—GPB—1,000,90—21 12-21

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read.-

Government order No. 1678-9 Muz.199-25 dated the 8th March 1927 in the matter of the recovery of arrears of Gutta due on the Inam lands endowed to Sri Garudadevaru temple at Bindiganavale in the Nagamangala Taluk.

2. Letter No. C.776 dated the 9th November 1927 from the Muzrai Commissioner in Mysore forwarding copy of Government Advocate's letter No. 320 dated the 27th October 1927 stating that there are no grounds to move the Chief Court for stay of execution of the Decree passed by the District Judge's Court, Mysore, in favour of Kesaviengar allowing his claim to the arrears of Gutta recovered from him and soliciting sanction of Government to the payment of the decretal amount which may amount to Rs. 700/- from the funds of the institution.

Order No. Q 10-12/Muz 199-25

Dated, Bangalore, the 30th November 1927.

The recommendation is sanctioned.

Sd/- draft

Sd/- 30/11/27

Secretary to Government,
Financial Department.

To

The Muzrai Commissioner in Mysore.
The Comptroller to the Government of Mysore.
The Government Advocate in Mysore.

AL
AS

TAN/-

ICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

reply please refer to
No. ...

T d s :—
"JURIST," angalore.

9th November 1928

FINANCIAL SECRETARIAT
29 NOV 1928
No.

SECRETARIAT
1 DEC 1928
MUZRAI

804.

FROM -

K. SHANKARANARAYANA RAO, ESQ., M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

Muz 199-25-18

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Financial Department, (Muzrai),
BANGALORE.

AV

SIR,

With reference to your Un-official Note dated the 22nd March 1927 (in Muzrai File No.199 of 1925) I have the honor to state that Regular Appeal No. 247 of 1926-27 on the file of the Chief Court of Mysore, (The Deputy Commissioner, Mysore District, VS. Bindiganavale N.Kesava Iyengar) came on for final disposal on the 13th September 1928 and Judgment was pronounced dismissing the Appeal with costs.

2.

TAN/5

cf6

2. A copy of the Judgment passed in the case is forwarded herewith for the information of - Government.

I have the honor to be,
Sir,
Your most obedient servant,

GOVERNMENT ADVOCATE.

CSN.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Thursday, the 13th day of September 1928.

PRESENT

MR. JUSTICE D. K. RAMA RAO.

and

MR. JUSTICE V. RAMACHANDRA RAO.

GOVT. ADVOCATE'S OFFICE. 21 NOV. 1928 BANGALORE.

Regular Appeal No. 247 of 1926 - 1927.
(with memo of cross-objections.)

The Deputy Commissioner & Mineral Officer - Mysore - - District. .. Defendant .. Appellant

VS

N. Keshva Iyengar ... Plaintiff .. Respondent.

Regular appeal against the decree of the District Judge of Mysore in Original Suit No. 12 of 1925-26.

This appeal coming on for hearing on Tuesday, the 17th day of June July 1928, the Court delivered the following:--

JUDGMENT.

TAN/-

90

JUDGMENT.

The suit out of which this appeal arises was brought by plaintiff for recovery of Rs.616/- being the amount deposited by him in Nagamangala Taluk Treasury together with interest at 12 per cent per annum. The plaintiff alleged that the Revenue authorities had wrongfully brought his properties to sale for recovery of Rs. 570 that he deposited the amount under protest and that he was entitled to a refund of the same. The defendant who is the Muzrai Officer, Mysore District, pleaded that plaintiff who was in possession of the Devadaya Inam lands attached to the Temple of Sri Vynatheyanswami at Bindiganavale, refused to give up possession in spite of a notice issued to him in 1920, that he was ejected from the Inam lands in ~~1922~~ May 1922 and that he was liable to pay Rs. 571-8-0 for his illegal possession during the interval. The two material issues framed in the case were as follows:-

(1) Whether the amount ~~xxxxxx~~ recovered from plaintiff was rent or mesne profits?

(2) If it was not rent, was defendant entitled to recover the amount as arrears of land revenue?

The learned District Judge found that the amount ~~xxxx~~ recovered was by way of mesne profits and not rent and that defendant was not entitled to recover the amount as arrears of land revenue and decreed the suit for the deposit amount and interest at ~~xxx~~ only 6% per annum from date of deposit. The defendant has appealed and the plaintiff has also filed a memorandum of cross - objections.

The

The questions for ~~xxxx~~ consideration were:-

(1) Whether the amount sought to be recovered from plaintiff was rent or mesne profits and(2) Whether the defendant was entitled to recover that amount as arrears of land revenue.

Both these questions may be dealt with together. Parties have not adduced any evidence and we have to come to a decision on the pleadings along. The amount in suit being in respect of a Muzrai Institution we have to look for the powers of defendant as a Muzarai Regulation VI of 1913. Section 19 of the Regulation says that arrears of rent ~~xxxxxx~~ or revenue due from tenants in respect of properties belonging to a Muzrai institution may be redovered by the Officers empowered to recover revenue due to Government in the same manner as the arrears of land revenue due to Government. The defendant has not pleaded that the amount ~~xxxxx~~ recovered from plaintiff was either rent or revenue. But on the other hand it has been expressly stated in the written statement that the amount recovered was due by plaintiff for his having been ~~xx~~ in wrongful possession of the Inam lands in question. In other words what was recovered came within the definition of 'mesne profits' as given in the Code of Civil Procedure. So, when the amount recovered was admittedly neither rent nor revenue but something else, It was certainly not competent for the defendant to justify the recovery under the powers vested in him by Section 19 of the Regulation. We therefore answer the two questions thus:- (1) The amount sought to be recovered was not rent but mesne profits and (2) the defendant was not entitled to recover the amount as arrears of land revenue.

It

92

It therefore follows that plaintiff was entitled to claim the amount deposited by him under protest.

Under the circumstances of the present case, we think that the interest awarded to plaintiff is adequate and that his claim for higher interest cannot be allowed.

The decree of the lower court is therefore correct and we dismiss both the appeal and the memorandum of cross-objections with costs.

Sd/ D. M. Ramachandra Rao
JUDGE

Sd/- M Ramachandra Rao
JUDGE

"Copy"

M Vrindavanachar
Dy. Registrar

TAN/3

In reply please refer to
No ... 495 ...
Tel. Address :—
"JURIST" Bangalore

FINANCIAL SECRETARY
14 DEC. 1928

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore....13th....December.....1928 .

Muz 199-253-29 93

FROM

K. SHANKARANARAYANA RAO, ESQ, M.A., B.L.,
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

GEN. & REV. SECRETARIAT
17 DEC 1928
MUZRAI
0892

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
Muzrai Department, BANGALORE C.&E.

SIR,

With reference to your Un-official Note dated the 22nd March 1927 (in Muzrai File No.199 of 1926) and in continuation of this office letter No.147 dated the 10th November 1928, I have the honor to forward herewith, for the sanction of Government, a Bill for Rs.50/- only, being my remuneration for professional services rendered in Regular Appeal No.2 of 1927 on the file of the Civil Court of Mysore, (The Deputy Commissioner, Mysore District, Vs. Puttigowdanapalya M. Krishnegowda).

I have the honor to be,
SIR,
Your most obedient servant,

K Shankaranarayana Rao
GOVERNMENT ADVOCATE.

G.R.S. VI G 31]

SUBJECT..... 94

Diary No. of letter replied to.....

Section Misc

File No. 197-25

Serial No. —

General and Revenue Secretariat

(May

, the 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue... 18/1/29 ... 3.30 -27

Signed by ... Sec

Read— Cy G .No 710-12/May/197-25

Sanctioning the payment to Bindiganavale Revenue Inspector of Rs 7/10 from the funds of Sri Garudadevaru Temple at Bindiganavale Nagamangala Taluk, the amount being the arrears of pattas due by Peasantry

Order Thereon— No

on the inam lands endowed to the temple and recovered from them, but being payable to them under the

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

A.G

RS

25/1

A5

Decree passed by the Dist
Judge's Court, Mysore -

2) Unofficial reference dt 22.3.27
to the Govt Advocate
requesting him to prefer
an appeal to the Hk Court

3) Letter no. 447 dt 29-11-28
from the Govt Advocate
stating that the Regular
Appeal No 247 of 1926-27
on the file of the Chief
Court of Mysore (The
Dy Comrs, Mysore Dist,
Vs- Budigavale V
Heravienga) came on
for final disposal on
the 12th dt & the 28 and judgment
was pronounced dismissing
the appeal with costs and
forwarding for information & copy
of the judgment

4) Letter no. 495-A 13 19-28
from the same officer
forwarding for sanction

List of enclosures:-

Copied by

Examined by

WD-1888—GRB—1,000,00—21 12 21

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

96

a bill for Rs.50 counter signed by Mr D. K. Rama Rao Judge, Chief court, being the remuneration due to him for professional services rendered in the above case -

Order: ~~1135~~ [illegible]

The bill for Rs 50/- is sanctioned, the charge being met from the funds at the credit of the institution.

[illegible]
Secretary
Fin: Deptt

9/1/29

To

The Munz: Court
" Comptr to the Govt
" Govt Advocate
with the bill

[illegible]
24.12.28

WD 2230—GPB—1,00,000—23-7-

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

97

Read:-

Government Order No. 910-12/Muz. 199-25, dated 30th November 1927, sanctioning the payment to Bindiganavale N.Kesava Iyengar of -- Rs. 700/- from the funds of Sri Garudadevaru temple at Bindiganavale, Nagamangala Taluk, the amount being the arrears of gutta due by Kesava-Iyengar on the inam lands endowed to the temple and recovered from him but being repayable to him under the decree passed by the District -- Judge's Court, Mysore.

2. Unofficial reference dated 22nd March 1927 to the Government Advocate requesting him to prefer an appeal to the Chief Court.

3. Letter No. 447, dated 29th November 1928, from the Government Advocate, stating that the Regular Appeal No. 247 of 1926-27 on the - file of the Chief Court of Mysore (The Deputy Commissioner, Mysore - District Vs. Bindiganavale N. Kesava Iyengar) came on for final disposal on the 13th September 1928 and judgment was pronounced dismissing the appeal with costs and forwarding for information a copy of the - - judgment.

4. Letter No. 495 dated 13th December 1928, from the same Officer forwarding for sanction a bill for Rs. 50 countersigned by Mr. D.R. - Rama Rao, Judge, Chief Court, being the remuneration due to him for professional services rendered in the above case.

Order No. 1353-57 Muz-

Bangalore, dated the January 1929.

The bill for Rs. 50/- is sanctioned, the charge being met from the funds at the credit of the institution.

For Secretary to Government,
Financial Department.

To

The Muzrai Commissioner in Mysore
The Comptroller to Government.
The Government Advocate with the bill.